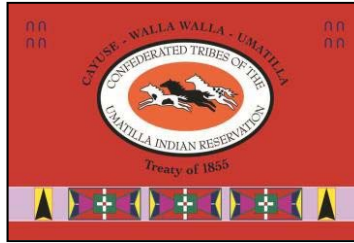


**Confederated Tribes *of the*  
Umatilla Indian Reservation**  
Department of Natural Resources  
Cultural Resources Protection Program



46411 Timine Way  
Pendleton, OR 97801  
www.ctuir.org Phone 541-276-3447

March 13, 2018

Marlene H. Dortch, Secretary  
Federal Communication Commission (FCC)  
445 12<sup>th</sup> Street SW  
Washington, DC 20554

**RE: Draft Program Comment Addressing Collocation on Twilight Towers, WT Docket No. 17-79**

Dear Ms. Dortch:

The Confederated Tribes of the Umatilla Indian Reservation (CTUIR) Cultural Resources Protection Program (CRPP) has reviewed the Public Notice regarding Twilight Towers WT Docket 17-79 and Statements from the FCC Chairman and Commissioners. The National Historic Preservation Act (NHPA) was passed to protect the archaeological and cultural resources significant to the United States, its citizens and, significantly, and the sovereign tribal nations whom are related to the vast majority of the archaeological sites. The process to-date has inadequately addressed NHPA obligations and the resolution to this is to reaffirm those obligations under the law rather than eliminate them.

The CRPP feels that the FCC Chairman Pai's comparison of collocations on Twilight Towers to vampires brings into question how seriously he is taking the issues and concerns brought forward by numerous sovereign Tribal Nations, State Historic Preservation Offices, and Historical Societies. Chairman Pai contends that completing Section 106 review for all the Twilight Towers would be "unfair." This statement trivializes the statutory process that protects tribes and cultural resources and discounts the United States' trust responsibility to protect these resources. Thousands of Twilight Towers were constructed without consulting with Tribal Nations, Tribal Historic Preservation Offices, and State Historic Preservation Offices, potentially adversely affecting historic properties, including historic properties of religious and cultural significance to tribes. Chairman Pai concludes, "it is up to the FCC, working with our colleagues at the Advisory Council on Historic Preservation (ACHP), to finally solve this problem." The CRPP wants to ensure that process of working with the ACHP does not remove the affected tribes from the process of resolving the collocation issue.

Commissioners Mignon L. Clyburn, Michael O'Rielly, and Brendan Carr note that Tribal Nations are free to request government-to-government consultation regarding a Twilight Tower or collocation at any time. However, the existing process makes this unlikely due to the fact that the locations of the Twilight Towers are not available. Only when this information is freely shared with the tribes in a useable format can it be said consultation has begun. The CTUIR CRPP requests that the FCC create a list with associated maps of all of the constructed Twilight Towers and provide that list to the CTUIR and all other tribes. This will aid the CRPP in better understanding potential effects to historic properties. This is a fundamental requirement to make a good faith effort to identify the historic properties that may be impacted by these projects. After than information is available, the CTUIR may make a decision whether or not to support the streamlining process of collocations on a case-by-case basis.

Please contact me if there are any further questions regarding our comments.

Respectfully,

A handwritten signature in cursive script that reads "Kristen Tiede". The ink is dark and the signature is fluid.

Kristen Tiede, M.A.  
Archaeologist

Electronic cc.

Teara Farrow Ferman, CRPP Manager  
Dennis Griffin, Oregon SHPO State Archaeologist  
Allyson Brooks, Washington State Historic Preservation Officer  
Anthony Guy Lopez, Advisory Council on Historic Preservation  
Jill Springer, FCC Federal Preservation Officer  
Bambi Kraus, National Association of Tribal Historical Preservation Officers President